

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS (SPRINGFIELD)

NO. 04-cv-30072-MAP

JOSEPH ROSEMOND

VS.

STOP AND SHOP SUPERMARKET
COMPANY

**HEARING HELD IN THE ABOVE-ENTITLED MATTER
BEFORE MAGISTRATE NEIMAN, SITTING IN THE
UNITED STATES DISTRICT COURT, SPRINGFIELD,
MASSACHUSETTS, ON OCTOBER 6, 2005**

APPEARANCES:

TANI E. SAPIRSTEIN, ESQUIRE, Representing the Plaintiff

LISA J. DAMON, ESQUIRE, Representing the Defendant

1 today, that's the truth.

2 Mr. Kaletta comes up and by the law made by the loss prevention is their
3 formats. Mr. Rosemond is not in the room, he walks up, people are laughing. He
4 testifies that he thinks it's a joke about him. Somebody points out the rope, he says
5 who's the joker and walks out, that's the extent of what happens.

6 So the question becomes is Mr. Kaletta supervisor under a co-worker
7 hostile environment. And if so, did he have an obligation at that point to do
8 something, to --

9 THE COURT: If we take Mr. Kaletta out of it just so I'm clear
10 about what the issue is, if we take Mr. Kaletta out, what we have is we have two
11 individuals, Rankin and Ingalls who put this noose up and we then have a
12 complaint, which evidently comes from the plaintiff himself at some point and then
13 action is taken by Stop & Shop with respect to these two individuals. And maybe
14 there's an issue as to the adequacy of the response, but let me put that aside for the
15 moment, and so there's no - is there anything else - do you understand that there's
16 any other way that Stop & Shop could have been aware of the harassment again
17 Mr. Kaletta is out of the picture, other than Mr. Rosemond himself bringing it to
18 the attention of the defendant?

19 MS. DAMON: We don't think so, however, let me address because
20 plaintiff has raised two other ways that she believes creates this environment at
21 Stop & Shop.

22 THE COURT: Plaintiff's counsel is a she, plaintiff is a he. That's
23 okay, go ahead.

24 MS. DAMON: Two ways, putting again, putting Mr. Kaletta aside,

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1 there is one line, Stop & Shop actually did two investigations and you'll see
2 references to Flannery and references to Rocella (phonetic). In Ms. Rocella's
3 investigative report, there is a line when she was in for Marcy Wutka, who is the
4 woman whose desk the rope is next to and she's the one the rope is on the desk.

5 THE COURT: Right.

6 MS. DAMON: Ms. Wutka says to Ms. Rocella's part of the
7 investigation that she had a joking relationship with Ingalls. In my opinion, they
8 would joke about how she makes a Polish joke and what the plaintiff has pointed to
9 is that is an indication that there was a racially, hostile environment. Ms. Rocella--

10 THE COURT: There's nothing in there, it seems to me and Ms.
11 Sapirstein can address this when its her turn, but it seems to me that there's nothing
12 in her statements that deal with a racially hostile environment. I mean what she
13 talks about is joking in the most general of ways and to the extent anything is
14 specific it has to do with, in essence, Polish jokes.

15 MS. DAMON: Right. And in fact, she's talking about it in such a
16 way as to say it was a comfortable environment. It wasn't due to come out as a
17 complaint, she's saying these guys love me, we talk about it, that was when Stop &
18 Shop was trying to understand who the rope was and then it was (inaudible).

19 But, and then the other piece of evidence that the plaintiff has raised goes to
20 this issue of Ms. Taranova who was in (inaudible) at Stop & Shop, two instances
21 that we know from Mr. Rosemond's testimony, one is the instance prior, much
22 prior to this issue of growth and the former store manager, Mr. Leach. Mr.

23 Rosemont (inaudible). Mr. Taranova, Mr. Rosemond brings coffee, Taranova's in

24 the room, and he says to Rosemond, what am I black, bring up this (inaudible) and